

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

**DEFENDANTS ANSWER TO
COMPLAINT FOR DAMAGES**

AND JURY DEMAND

Defendants City of Seattle, Officer Marshall Coolidge, Sean Culbertson, Timothy Renihan and Officer Hancock, in answer to Plaintiff's Complaint for Damages, admits, denies, and alleges as follows:

I. JURISDICTION

1.) Defendant admits that this Court has jurisdiction over civil actions arising under the Constitution of the United States.

2.) Defendants admit that the Western District of Washington Federal Court is a proper venue for this matter.

1 3.) Defendants are without knowledge or sufficient information to determine whether
2 or not Plaintiffs was a homeless resident of the City of Seattle and therefore this request is denied.

3 4.) Defendants admit that the City of Seattle is a municipal corporation under the
4 laws of the state of Washington.

5 5.) Paragraph 5 does not pertain to Defendants and therefore does not require an
6 Answer. To the extent that Paragraph 5 requires an answer from Defendants, it is denied.

7 6.) Defendants admit that Timothy Renihan was at all material times hereto employed
8 as a Seattle Police Officer. Defendants deny that Timothy Renihan falsified Police reports.

9 7.) Defendants admit that Sean Culbertson was at all material times hereto employed
10 by the Seattle Police Department as a police officer.

11 8.) Defendants admit that at all material times hereto, Marshall Coolige was employed
12 by the Seattle Police Department as a police officer.

13 9.) Defendants admit that at all material times hereto, Officer Hancock was employed
14 by the Seattle Police Department as a police officer.

15 10.) The allegations in Paragraph 10 do not pertain to Defendants and therefore do not
16 require an answer. To the extent that Paragraph 10 requires an answer, the averments are denied.

17 11.) Paragraph 11 does not pertain to Defendants and therefore does not require an
18 answer. To the extent that Paragraph 11 contains averments of fact against Defendants; they are
19 denied.

20 12.) Whether or not Defendant officers were working in their "official capacity" or
21 acted "under color of State law" are legal conclusions and not averments of fact that require an
22 answer. To the extent that Paragraph 12 contains averments of fact against Defendants,
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1 Defendants admit that there contact with Plaintiff occurred during the course and scope of their
2 employment as Seattle Police Officers and that Plaintiffs arrest was pursuant to state law.
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4 II. FACTS

5 13.) Defendants are without knowledge or a sufficient factual basis to determine
6 whether or not Plaintiff proclaimed his innocence and therefore this averment is denied.

7 14.) Defendant Renihan denied that the “orchestrated” the civil commitment of
8 Plaintiff.
9

10 15.) Defendants deny the allegations in Paragraph 15.

11 16.) Defendants deny the allegations in Paragraph 16.

12 17.) Defendants deny the allegations in Paragraph 17.

13 18.) Defendants deny the allegations in Paragraph 18.

14 19.) Defendants deny that Officer Culbertson stalked or attempted to kill Plaintiff.
15 Defendants deny that Plaintiffs’ cell phone was intentionally destroyed. Defendants admit that
16 *State of Washington v. Canty* was dismissed with prejudice.
17

18 20.) Defendants deny that Plaintiff was “set up” or that Plaintiffs civil commitment
19 was made under false pretenses.

20 21.) Defendants deny that Timothy Renihan illegally arrested Plaintiff. Defendants
21 deny that the activities of Timothy Renihan, to the extent that they contributed to Plaintiff’s
22 arrest, were under “false pretenses”.
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24 22.) Defendants deny that Plaintiff was arrested and incarcerated without probable
25 cause.
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III. LEGAL CLAIMS

23.) Defendants reassert its responses to Paragraph 1-22.

24.) Defendant City of Seattle admits that it investigates allegations of police misconduct. Defendant City of Seattle denies that it violated its mission, ethics, or policies, or that said mission, ethics or policies create a duty to Plaintiff. Defendants further deny that Plaintiff was stalked; deny that they attempted to kill Plaintiff; or that Defendants made false statements that led to Plaintiff's arrest.

25.) Defendants deny the allegations in Paragraph 25.

26.) Paragraph 26 does not pertain to Defendants and therefore does not require an answer. To the extent that Paragraph 26 requires an answer, it is denied.

27.) Defendants deny the allegations in Paragraph 27.

28.) Paragraph 28 does not contain averments of fact against Defendants and therefore does require an answer. To the extent that Paragraph 28 contains averments of fact against Defendants, they are denied.

29.) Paragraph 29 does not contain averments of fact against Defendants and therefore does require an answer. To the extent that Paragraph 29 contains averments of fact against Defendants, they are denied.

30.) Defendants deny the allegations in Paragraph 30.

31.) Defendants deny the allegations in Paragraph 31.

32.) Defendants deny the allegations in Paragraph 32.

33.) Defendants deny the allegations in Paragraph 33.

34.) Defendants deny the allegations in Paragraph 34.

1 35.) Defendants deny the allegations in Paragraph 35.

2 36.) Defendants deny the allegations in Paragraph 36.

3 37.) Defendants deny the allegations in Paragraph 37.

4 38.) Defendants deny the allegations in Paragraph 38.

5 39.) Defendants deny the allegations in Paragraph 39.

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7 Each and every averment of fact that is not expressly admitted in this answer is
8 explicitly denied.

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10 **IV. PRAYER FOR RELIEF**

11 Defendant further prays that Plaintiff's Complaint for Damages be dismissed with
12 prejudice, that Plaintiff take nothing by his Complaint, and that Defendant be allowed its costs
13 and reasonable attorneys' fees herein.

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15 **AFFIRMATIVE DEFENSES**

16 By way of FURTHER ANSWER and AFFIRMATIVE DEFENSE, Defendant alleges
17 as follows:

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19 1. That the injuries and damages, if any, claimed by the plaintiff were proximately
20 caused or contributed to by the fault of Plaintiff.

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22 2. That the Plaintiff has failed to state a claim upon which relief may be granted.
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1 3. That any force utilized by the defendants was reasonable, necessary and lawful
2 under the circumstances.

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4 4. That the arrest of the Plaintiff was lawful.

5 5. That the defendants are immune to suit for the matters charged in Plaintiff's
6 complaint.

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8 6. That the claims alleged against Defendants are barred by the Doctrine of
9 Qualified Immunity.

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11 7. All actions of Defendants alleged in Plaintiff's Complaint manifest a reasonable
12 exercise of judgment and discretion by authorized public officials made in the exercise of
13 governmental authority entrusted to them by law and are neither tortious nor actionable.

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15 8. Defendants at all times acted in good faith in the performance of their duties and
16 are therefore immune from suit for the matters charged in Plaintiff's Complaint.

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JURY DEMAND

In the event this case proceeds to trial, Defendants demands that this case be tried to a jury.

DATED this 14th day of July, 2017.

s/ Gregory E. Jackson
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Officer Marshall Coolidge, Sean Culbertson,
Timothy Renihan and Officer Hancock

CERTIFICATE OF SERVICE

I certify that on the 14th day of July, 2017, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

Pro se Plaintiff, Kyle Lydell Canty #216035994 King County Jail (Seattle) 500 5 th Ave. Seattle, WA 98104	(X) U.S. Mail
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DATED this 14th day of July, 2017, in Seattle, Washington.

s/Kathie Fudge

KATHIE FUDGE, Legal Assistant to
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